

Part 4

Proof of Age Act

32B-1-401 Title.

This part is known as the "Proof of Age Act."

Enacted by Chapter 276, 2010 General Session

32B-1-402 Definitions.

As used in this part:

- (1) "Authorized person" means a person authorized by law to sell or otherwise handle an alcoholic product.
- (2) "Restricted area" means a place where an alcoholic product is sold or consumed, but where under this title a minor is not permitted.
- (3) "Statement of age" means a statement signed under Section 32B-1-405 verifying the age of the person signing the statement.

Amended by Chapter 334, 2011 General Session

32B-1-403 Unlawful transfer or use of proof of age -- False information.

- (1)
 - (a) It is unlawful for a person to transfer that person's proof of age to another person to aid that person:
 - (i) in procuring an alcoholic product;
 - (ii) in gaining admittance to a restricted area; or
 - (iii) in obtaining employment that under this title may not be obtained by a minor.
 - (b) A person who permits that person's proof of age to be used by another for a purpose stated in Subsection (1)(a) is guilty of a class B misdemeanor.
- (2)
 - (a) It is unlawful for a person to use a proof of age containing false information with the intent to:
 - (i) procure an alcoholic product;
 - (ii) gain admittance to a restricted area; or
 - (iii) obtain employment that under this title may not be obtained by a minor.
 - (b) Except as provided in Section 32B-4-411, a person who violates this Subsection (2) is guilty of a class A misdemeanor.

Enacted by Chapter 276, 2010 General Session

32B-1-404 Presentation of proof of age upon request.

- (1) To obtain one or more of the following, an individual shall present proof of age at the request of a person listed in Subsection (2):
 - (a) an alcoholic product;
 - (b) admittance to a restricted area; or
 - (c) employment that under this title may not be obtained by a minor.
- (2) To determine whether the individual described in Subsection (1) is 21 years of age, the following may request a person described in Subsection (1) to present proof of age:
 - (a) an authorized person;

- (b) a peace officer;
- (c) a representative of the State Bureau of Investigation of the Department of Public Safety, established in Section 53-10-301; or
- (d) an authorized department employee.

Enacted by Chapter 276, 2010 General Session

32B-1-405 Additional requirements when age is in question.

- (1)
 - (a) In addition to requesting the presentation of proof of age under Section 32B-1-404, an authorized person shall require an individual whose age is in question to sign a statement of age on the form provided under Subsection (1)(b) that includes:
 - (i) the date the statement of age is signed; and
 - (ii) the number assigned to the individual's proof of age by the issuing authority.
 - (b) At the request of a retail licensee, the commissioner of public safety shall provide to a retail licensee the form for the statement of age described in this Subsection (1).
- (2)
 - (a) An authorized person shall:
 - (i) file in alphabetical order a statement of age obtained under Subsection (1) by no later than the close of business on the day on which the statement of age is executed; and
 - (ii) maintain a statement of age on file for three years.
 - (b) A statement of age is subject to examination by:
 - (i) a peace officer;
 - (ii) a representative of the State Bureau of Investigation of the Department of Public Safety, established in Section 53-10-301; or
 - (iii) an authorized department employee.

Enacted by Chapter 276, 2010 General Session

32B-1-406 Acceptance of identification.

- (1) An authorized person may accept as evidence of the legal age of the individual presenting the following:
 - (a) proof of age; or
 - (b) if a statement of age is required under Section 32B-1-405:
 - (i) proof of age; and
 - (ii) a statement of age.
- (2) A statement of age, if properly completed, signed, and filed in accordance with Section 32B-1-405, may be offered as a defense in a case when there is at issue the legality of:
 - (a) selling, offering for sale, or furnishing an alcoholic product to the individual who signed the statement of age;
 - (b) admitting the individual who signed the statement of age into a restricted area; or
 - (c) allowing the individual who signed the statement of age to be employed in employment that under this title may not be obtained by a minor.
- (3) An authorized person may not accept a driving privilege card issued in accordance with Section 53-3-207 as evidence of the legal age of an individual.

Enacted by Chapter 276, 2010 General Session

32B-1-407 Verification of proof of age by applicable licensees.

- (1) As used in this section, "applicable licensee" means:
 - (a) a dining club;
 - (b) a social club; or
 - (c) a tavern.
- (2) Notwithstanding any other provision of this part, an applicable licensee shall require that an authorized person for the applicable licensee verify proof of age as provided in this section.
- (3) An authorized person is required to verify proof of age under this section before an individual who appears to be 35 years of age or younger:
 - (a) gains admittance to the premises of a social club licensee or tavern; or
 - (b) procures an alcoholic product on the premises of a dining club licensee.
- (4) To comply with Subsection (3), an authorized person shall:
 - (a) request the individual present proof of age; and
 - (b)
 - (i) verify the validity of the proof of age electronically under the verification program created in Subsection (5); or
 - (ii) if the proof of age cannot be electronically verified as provided in Subsection (4)(b)(i), request that the individual comply with a process established by the commission by rule.
- (5) The commission shall establish by rule an electronic verification program that includes the following:
 - (a) the specifications for the technology used by the applicable licensee to electronically verify proof of age, including that the technology display to the person described in Subsection (2) no more than the following for the individual who presents the proof of age:
 - (i) the name;
 - (ii) the age;
 - (iii) the number assigned to the individual's proof of age by the issuing authority;
 - (iv) the birth date;
 - (v) the gender; and
 - (vi) the status and expiration date of the individual's proof of age; and
 - (b) the security measures that shall be used by an applicable licensee to ensure that information obtained under this section is:
 - (i) used by the applicable licensee only for purposes of verifying proof of age in accordance with this section; and
 - (ii) retained by the applicable licensee for seven days after the day on which the applicable licensee obtains the information.
- (6)
 - (a) An applicable licensee may not disclose information obtained under this section except as provided under this title.
 - (b) Information obtained under this section is considered a record for any purpose under Chapter 5, Part 3, Retail Licensee Operational Requirements.

Amended by Chapter 297, 2011 General Session

Amended by Chapter 334, 2011 General Session

32B-1-408 Penalty.

- (1) Unless otherwise provided in this title, including Section 32B-4-411, a person who violates this part is guilty of a class B misdemeanor.

- (2) A person is not subject to a penalty for a violation of this part if it is proved to the commission or the court hearing the matter that the person charged with the violation acted in good faith.

Enacted by Chapter 276, 2010 General Session